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2 Pages



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CitizensEnergyGroup.com

December 30, 2011

## OFFICIAL COMMENT

LSA Document #08-764 (Antidegradation)  
MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
MC 65-45  
Indianapolis, IN 46204-2251

Re: IDEM Antidegradation Standards and  
Implementation Procedures Proposed Rule (LSA  
Document #08-764) as Publicly Noticed on December  
9, 2011

Dear Ms. Mettler:

Citizens Energy Group, on behalf of Citizens Thermal, Citizens Water, and Citizens Gas (collectively, "Citizens"), as well as CWA Authority, Inc., is pleased to offer the following comments on the Proposed Rule referenced above.

Citizens supports the comments submitted by the Indiana Energy Association on behalf of the Indiana Utility Group. Specifically Citizens supports the following comment on the applicability of the proposed antidegradation implementation procedures:

Indiana's proposed implementation procedures do not limit antidegradation review to only actions requiring a new or modified NPDES permit subject to section 402 (NPDES) of the Clean Water Act. Instead, Section 1(b) of proposed 327 IAC 2-1.3 would apply the implementation procedures to any proposed deliberate activity subject to the Clean Water Act that would result in a new or increased loading of a regulated pollutant. However, the actual implementation procedures of Sections 4 and 5 of the Proposed Rule appear to be almost entirely based on the context of an NPDES discharger. Therefore, not only is the scope of applicability of the proposed implementation procedures vague, leaving open to question which activities would be subject to antidegradation review, but the Proposed Rule lacks meaningful implementation procedures for activities apart from those subject to NPDES permit

Comments of Citizens Energy Group  
IDEM Antidegradation Standards and Implementation Procedures Proposed Rule  
(LSA Document #08-764)  
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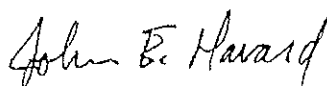
requirements.

IUG urges that the scope of applicability for the proposed antidegradation implementation procedures be stated at this time in terms of "any new or increased loading of a regulated pollutant to surface waters of the state from an activity requiring issuance of a new or modified NPDES permit that will result in a significant lowering of water quality."

In addition, CWA Authority, as the authority implementing the Industrial Pretreatment Permitting ("IPP") program in Indianapolis, has concerns with the practical mechanics behind the implementation of proposed 327 IAC 2-1.3-5(c) as it relates to IPP permit holders and the antidegradation analysis that should occur. We believe that the applicability of the draft rule is confusing for POTW's with an Industrial Pretreatment Program, as well as for the IPP permit holders. We request that IDEM provide guidance to IPP program authorities in the implementation of these provisions prior to final adoption of the rule.

Thank you for the opportunity to provide these comments. Should you have questions or wish to discuss, please don't hesitate to contact me at (317) 693-8716 or via e-mail at [jhavard@citizensenergygroup.com](mailto:jhavard@citizensenergygroup.com).

Sincerely,



John E. Havard, P.E.  
Manager, Environmental Technical Programs